IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1052 OF 2005

IN

CHAMBER SUMMONS NO.964 OF 2005

IN

SUIT NO.114 OF 1980

Mrs Sushilabai N. Rungta ...Appellant

v/s

Radheshyam M. Kedia and ors. ...Respondent

Mr R.A. Thorat, Sr. Counsel with Mr V.B. Naik, Mr M.L. Chaturvedi and Mr J.S. Chandnani for Appellant.
Mr S.S. Shetye with Mr Ravi Goenka and Mr Prasad Lad i/b M/s Goenka Law and Associates for Respondent Nos.1, 4, 7 and 8.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 16TH OCTOBER 2007.

P.C. :-

1. The appeal is not on board for hearing. By consent of parties, appeal is heard finally. On a motion made by the learned counsel appearing for respondent Nos.1, 4, 7 and 8, chamber summonses Nos.964 of 2005 and 965 of 2005, both taken out by the defendant No.1, are permitted to be withdrawn with liberty to raise the same objections at an appropriate stage. As a consequence of withdrawal of chamber summonses, the order dated 4th October 2005 passed on those chamber summonses by the learned Single Judge does not survive, rendering this appeal infructuous. Appeal is disposed off as such. Notices of motion No.3584 of 2005 and 2651 of 2007 do not survive for consideration. Both the notices of motion are disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)